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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICKIE SLAUGHTER,

Plaintiff,

vs.

WILLIAM GITTERE, et al.,

Defendants.

Case No. 3:17-cv-00666-RCJ-WGC

**ORDER GRANTING MOTION FOR
EXTENSION OF THE 90 DAY STAY AND
DEADLINE TO FILE THE 90 DAY STAY
REPORT**

Defendants, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Erin L. Albright, Deputy Attorney General, do hereby move this Court for an extension of the ninety (90) day stay and an extension of the deadline to file the ninety (90) day stay report. This motion is based on the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Presently the deadline to file the ninety (90) day stay report is March 11, 2019. The Early Mediation Conference (EMC) in this matter is scheduled for March 19, 2019. Therefore, Defendants request the deadline to file the ninety (90) day stay report be extended to March 26, 2019.

II. RELEVANT FACTUAL BACKGROUND

On December 10 2018, this Court entered its Order, staying this matter for ninety (90) days to allow the parties an opportunity to settle before an answer or other pleading is filed. (ECF No. 6 at 1-2).

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1 The Court further ordered the Office of the Attorney General to file the ninety (90) day stay report at the
2 conclusion of that time period. *Id.* Based on that Order, the ninety (90) day stay is due to expire on March
3 11, 2019, and the ninety (90) day report is due to be filed that day. *Id.*

4 An EMC has been scheduled for March 19, 2019. (ECF. No. 8).

5 **III. DISCUSSION**

6 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

7 When an act may or must be done within a specified time, the court may,
8 for good cause, extend the time: (A) with or without motion or notice if
9 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

10 The proper procedure, when additional time for any purpose is needed, is to present a request for
11 extension of time before the time fixed has expired. *See Canup v. Mississippi Val. Barge Line Co.*, 31
12 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
13 showing of good cause if timely made under subdivision (b)(1) of the Rule. *See Creedon v. Taubman*,
14 8 F.R.D. 268 (N.D. Ohio 1947).

15 Good cause exists to extend the stay in this case because it will permit the parties to engage in
16 settlement discussions without Plaintiff being assessed a filing fee and without Defendants being
17 required to file the ninety (90) day stay report and prepare a response to Plaintiff's Complaint.
18 Additionally, this will allow time for representatives for Defendants to attend the EMC to discuss
19 Plaintiff's concerns. Extending the stay will provide the parties the opportunity to engage in informal
20 and formal settlement discussions without the pressure of the litigation process, and provide sufficient
21 time to schedule another mediation if necessary.

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1 **IV. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request that the Court enter an order extending
3 the stay in this case and the deadline to file the ninety (90) day stay report to March 26, 2019.

4 DATED this 20th day of February, 2019.

5 AARON D. FORD
6 Attorney General

7 By:


8 ERIN L. ALBRIGHT
9 Deputy Attorney General
10 State of Nevada
11 Bureau of Litigation
12 Public Safety Division

Attorneys for Defendants

13 **IT IS SO ORDERED**

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15 **U.S. MAGISTRATE JUDGE**

16 **DATED: February 21, 2019**
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